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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. H0004240)  
MBHB 03-263

In the Application of:

Daniel L. Baseman et al.

Art Unit: 3729

Serial No.: 10/706,531

Examiner: Paul D. Kim

Filed: November 12, 2003

For: Methods for Fabricating Giant  
Magnetoresistive (GMR) Devices

Confirmation No. 6882

## TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached:

- a. Response to Election/Restriction Requirement
- b. 2 Return Receipt Postcards.

2. With respect to additional fees:

☒ No fees are due at this time.

3. Please charge any additional fees or credit overpayment to Deposit Account No.13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: February 3, 2006

By: Richard A. Machonkin  
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**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

Dear Sir:

In response to the Election/Restriction Requirement mailed January 5, 2006, Applicant elects Species A (claims 1-11), to the extent that any such election is required.

Applicant traverses the requirement to elect one of Species A (claims 1-11), the first Species B (claims 12-15), and the second Species B (claims 16-20) and urges the Examiner to reconsider the requirement, because the Examiner has mischaracterized the claims, as summarized below.

The Examiner has alleged that Species A (claims 1-11) is “drawn to form a magnetoresistive device layers above the oxygen layer.” In fact, claims 1-11 do not recite an “*oxygen* layer,” but rather an “*oxide* layer.” Moreover, claims 1-11 are directed

to a "method of fabrication for a magnetoresistive device." The recited step of "forming a plurality of magnetoresistive device layers above said oxide layer," on which the Examiner relies, is just one step in the overall method.

The Examiner has alleged that the first Species B (claims 12-15) is "drawn to form at least one ferromagnetic layer above the oxygen layer." In fact, claims 12-15 do not recite an "*oxygen* layer," but rather an "*oxide* layer." Moreover, claims 12-15 are directed to a "method of fabrication for a magnetic device." The recited step of "forming at least one ferromagnetic layer above said oxide layer," on which the Examiner relies, is just one step in the overall method.

The Examiner has alleged that the second Species B (claims 16-20) is "drawn to form a plurality of GMR device layers on the first silicon nitride layer." In fact, claims 16-20 are directed to a "method of fabrication for a giant magnetoresistive (GMR) device." The recited step of "forming a plurality of GMR device layers on said first silicon nitride layer," on which the Examiner relies, is just one step in the overall method.

In light of the foregoing, Applicant respectfully requests the Examiner to withdraw the election/restriction requirement.

Date: February 3, 2006

By: Richard A. Machonkin  
Richard A. Machonkin  
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